

1 MR. DeJESUS: This is the offer of proof. Well --

2 JUDGE STEINBERG: Can you point to a specific --  
3 okay, Mr. Jones answered these interrogatories.

4 MR. DeJESUS: Correct.

5 JUDGE STEINBERG: Now is there an interrogatory  
6 answer in here that conflicts with what he said this morning  
7 as to the risk sharing agreement?

8 MR. DeJESUS: Actually, no. We're moving away  
9 from the risk sharing agreement.

10 JUDGE STEINBERG: Okay. So your offer of proof is  
11 over?

12 MR. DeJESUS: For the risk sharing agreement?

13 JUDGE STEINBERG: Yeah.

14 MR. DeJESUS: But not for this.

15 JUDGE STEINBERG: Well, how is -- this is -- okay,  
16 are you personally finished with the risk sharing agreement?  
17 Okay. So I, hereby, declare the Bureau's offer of proof to  
18 be ended. Do you have any problem with that?

19 MR. DeJESUS: No, Your Honor.

20 JUDGE STEINBERG: Okay. So now we have Bureau  
21 Exhibit No. 7 and what's the purpose of your offering this  
22 into evidence?

23 MR. DeJESUS: well, Your Honor, *first of* all he  
24 did prepare it. It was submitted to the Commission. We'd  
25 like the Court to review it. I'm going to ask him some

questions specifically on one of the responses that he  
2 provided and --

3 JUDGE STEINBERG: Well, let's get to that response  
4 because I don't want a whole lot of extraneous stuff in  
5 here.

6 MR. DeJESUS: Okay.

7 JUDGE STEINBERG: Well, never mind. Okay. Yeah,  
8 let's just get to the specifics.

9 MR. DeJESUS: Okay.

10 BY MR. DeJESUS:

11 Q Sir, I'd like to draw your attention to question  
12 three which you incorporated in your response to our  
13 interrogatories.

14 A Yes.

15 Q And the question is, "State whether Alee is a  
16 partner" -- I'm sorry, "State whether Alee, it's partners,  
17 principles or officers have been convicted of any crimes or  
18 offenses whatsoever or pled nolo contendere or had probation  
19 without judgment imposed?" Your response to that is,  
20 "Neither Alee Cellular Communications nor to the best of my  
21 knowledge any of its partners have been convicted of any  
22 crimes or offenses other than traffic violations whatsoever  
23 or pled nolo contendere or had *probation* without judgment.  
24 As a general partnership Alee has no officers and no  
25 principles other than its partners. The Bureau defines Alee

1 to include in addition to the partnership entities,  
2 partners, principles, employees, agents, consultants or  
3 other persons acting on its behalf. Alee does not know  
4 whether any of its employees, agents, consultants or other  
5 persons acting on its behalf may or may not have been  
6 convicted of any crimes or offenses whatsoever, pled nolo  
7 contendere or had probation without judgment imposed."

8 Now is that the essence of your response, sir, is  
9 that correct?

10 A Yes, sir.

11 Q Okay. Now specifically with the partners of Alee  
12 could you tell us what steps, if any, you undertook to  
13 determine whether anyone had been convicted of a felony?

14 A Yes, they were polled.

15 Q And who polled them?

16 A They were polled by Becky Jo Clark. I did some  
17 polling, as well.

18 Q Okay. When were they polled?

19 A I don't recall the exact date.

20 JUDGE STEINBERG: What do you mean by polled?

21 THE WITNESS: They were either sent documentation  
22 to complete or called personally to respond to the issue.

23 BY MR. DeJESUS:

24 Q Okay. Were they polled -- do you remember that  
25 you were deposed on July 9 --

1 A Yes.

2 Q -- 2002?

3 A Yes, sir.

4 Q Okay. Were they polled after July 9th?

5 A I don't recall the specific date that they were  
6 polled, sir.

7 Q Were they polled before --

8 A They would have had to have been polled prior to  
9 this being submitted.

10 Q Okay. So --

11 JUDGE STEINBERG: This being Exhibit 7?

12 THE WITNESS: Exhibit 7.

13 BY MR. DeJESUS:

14 Q Okay. So, basically, after they were polled then  
15 you included your answer in the exhibit?

16 A Yes, sir.

17 Q Well, sir, with reference to -- Mr. Jones, what's  
18 your policy with reference to filing amendments to your  
19 application with the FCC?

20 A I'm sorry, the policy?

21 Q What's your policy regard ng amendments to the  
22 FCC?

23 A Can you *explain* the quest on? I don't know what  
24 you're asking?

25 Q In terms of ownership --

1 A Yes.

2 Q -- when you have ownership changes --

3 A Yes.

4 Q -- when do you file amendments with the FCC?

5 A The amendments are submitted when there's a  
6 significant change.

7 Q And what constitutes in your mind a significant  
8 change?

9 A I'm not sure, but 10 percent.

10 Q Okay.

11 A Does that sound --

12 Q You testified earlier that when you have capital  
13 calls --

14 A Yes.

15 Q -- and some of the partners are unable to meet  
16 their capital call obligations -

17 A Yes, sir.

18 Q -- that their ownership gets recalculated,  
19 correct?

20 A I don't know that --

21 Q Your ownership percentage gets recalculated?

22 A I don't know that we discussed that issue today  
23 but

24 JUDGE STEINBERG: Well, it's in your written  
25 testimony.

1 THE WITNESS: It's in my written testimony?

2 JUDGE STEINBERG: Yes.

3 THE WITNESS: Yes, that is correct.

4 BY MR. DeJESUS:

5 Q Okay. Now when the ownership gets recalculated do  
6 you file any amendments with the FCC concerning the new  
7 ownership percentage?

8 A I believe that there has been a current filing  
9 with them, if I'm not mistaken, as to minor changes that may  
10 have taken place.

11 Q Okay. And when was that, sir?

12 A Once again, I don't have the exact date but  
13 possibly several weeks ago.

14 JUDGE STEINBERG: And let me just interrupt. I  
15 think you said there were 14 capital calls and 13 which  
16 after Mr. Kane was dismissed?

17 THE WITNESS: I believe that's correct

18 JUDGE STEINBERG: How often do the one or more  
19 partners not make the capital call and other partners chip  
20 in for him?

21 THE WITNESS: Initially everyone made all capital  
22 calls. As it dragged on for years due to circumstances that  
23 the partners may have had capital calls -- some of the  
24 capital calls were not made by some of the partners because  
25 of personal problems.

1 JUDGE STEINBERG: Okay. And then other partners  
2 contributed more and got a bigger interest in Alee, is that  
3 correct?

4 THE WITNESS: For the partnership agreement if  
5 they've defaulted on it we were allowed to then offer it to  
6 the other partners on a pro rata basis based upon ownership  
7 of all of those who paid the capital call.

8 JUDGE STEINBERG: Okay. And how often has that  
9 happened?

10 THE WITNESS: I believe it happened twice.

11 JUDGE STEINBERG: Twice. Okay. And then the  
12 partnership interests were recalculated?

13 THE WITNESS: Yes, they were, twice.

14 JUDGE STEINBERG: Okay. And did Alee have any  
15 kind of policy of notifying its law firm when this occurred?  
16 And by this I mean the recalculation of partnership  
17 interests?

18 THE WITNESS: We discussed those items. In fact,  
19 we discussed almost all items with our law firm at the time  
20 about any changes that we were about to do.

21 JUDGE STEINBERG: Okay. So the discussion with  
22 the law firm would have -- when did that generally take  
23 place regarding changes in ownership *interest*?

24 THE WITNESS: Whenever a change in ownership  
25 interest was going to take place we contacted them to make

sure that we would continue to remain in compliance.

2 BY MR. DeJESUS:

3 Q Sir, I'd like to draw your attention to  
4 Enforcement Bureau Exhibit No. 14 marked for identification.

5 JUDGE STEINBERG: We're going to mark it first.  
6 Exhibit 14. It be Exhibit 14, a three page document  
7 entitled "Amendment" and it bears the secretary's received  
8 stamp of June 10, 1993 and that's marked for identification  
9 as Enforcement Bureau Exhibit 14.

10 (The document referred to was  
11 marked for identification as  
12 Enforcement Bureau's Exhibit  
13 No. 14.)

14 BY MR. DeJESUS:

15 Q Sir, do you recognize that document?

16 A Yes, sir.

17 Q Okay. How is it you recognize that document?

18 A It's my signature at the bottom of the page, page  
19 one.

20 Q And what was the purpose behind that particular  
21 document?

22 A It was notification to the Commission as to our  
23 Percentages that existed as of that date and any address  
24 changes, etcetera, that may have occurred.

25 Q Now would the changes of percentages was that



1       calculated as a result of a capital call?

2           A       Yes. Those percentages would have changed by  
3       fractions over what they had been prior to.

4           Q       Okay. Now my next question after -- and the date  
5       listed there is June 1, 1933.

6           A       Yes, sir.

7           JUDGE STEINBERG: 10th. Oh, I'm talking about the  
8       filing date.

9           MR. DeJESUS: Yes.

10          JUDGE STEINBERG: I apologize. You're talking  
11       about the signature date.

12          MR. DeJESUS: Yeah.

13          JUDGE STEINBERG: I apologize.

14          BY MR. DeJESUS:

15          Q       Now as of that date were there any other capital  
16       call changes that resulted in ownership -- different  
17       ownership interests?

18          A       May I just have a moment? Based upon -- yes, I  
19       believe there would have been another change subsequent to  
20       that.

21          Q       And when was that?

22          A       I don't have the exact date, sir. There would  
23       have been probably another capital call that would have  
24       occurred and there would have been additional minor changes  
25       as a result of individuals not complying with their capital

1 calls and/or it being offered to those who did comply.

2 JUDGE STEINBERG: Let me just interrupt and say,  
3 Mr. Jones, when you were answering the preceding question it  
4 looks to me like you were looking at pages two and three of  
5 your written direct testimony which has got the percentages  
6 of the partners and you were comparing that with page two of  
7 Bureau Exhibit 14, is that what you were doing?

8 THE WITNESS: That is correct.

9 JUDGE STEINBERG: And that's the basis for your  
10 answer?

11 THE WITNESS: It would be the basis for my answer  
12 because I don't recall the specific dates of the capital  
13 calls.

14 JUDGE STEINBERG: Okay. Okay. But --

15 THE WITNESS: And based upon the interpretation of  
16 the change that would have been the other change that would  
17 have

18 JUDGE STEINBERG: Okay.

19 THE WITNESS: -- affected specific partners.

20 BY MR. DeJESUS:

21 Q Now do you remember approximately when that change  
22 -- the next change after June '93 where the respective  
23 percentages had shifted again, would you remember when that  
24 occurred?

25 A I don't recall the exact date, sir.

Q Could you narrow it down?

2 A I'm going to estimate approximately '95-'96.

3 Q '95-'96. Now in '95-'96 do you recall filing an  
4 amendment with the Commission informing us of the changes in  
5 ownership?

6 A No, I do not.

7 Q You don't recall or you didn't file it?

8 A In '95? I don't know that we submitted a document  
9 at that time for the minor adjustments to the percentages.

10 Q Since '95 do you recall ever submitting a document  
11 informing us of the changes in ownership?

12 A I believe that the ownership interests have been  
13 submitted to the FCC.

14 Q And when was this?

15 A Once again, fairly recently but I don't recall the  
16 exact date.

17 Q Let me take you back prior to '93. Do you recall  
18 if there were any capital calls prior to '93?

19 A Yes, there were

20 Q Okay. And were there people again who were unable  
21 to meet their capital call obligations?

22 A That would have been the early stages in the  
23 capital calls and the majority of the capital calls were all  
24 made timely. So there may have been one capital call or  
25 possibly two that where there may have been some individuals

1 who didn't comply.

2 Q Okay. And, obviously, there would have been a  
3 shift in the ownership structure again, correct?

4 A There may have been from the original percentages  
5 to these percentages.

6 JUDGE STEINBERG: You say these percentages you're  
7 talking about

8 THE WITNESS: The percentages on the June '93  
9 correspondence based upon the original percentages as  
10 disclosed in my testimony on page whatever it is.

11 JUDGE STEINBERG: Two and three.

12 THE WITNESS: Thank you. On page two or three

13 BY MR. DeJESUS:

14 Q Now these changes would they have been, again,  
15 communicated to the Federal Communications Commission by  
16 amendment?

17 A For what period, sir?

18 Q Prior to '93?

19 A I believe that's what this document did.

20 JUDGE STEINBERG: This document refers to?

21 THE WITNESS: Refers to the Enforcement --  
22 (Multiple voices.)

23 JUDGE STEINBERG: Enforcement Bureau's 14.

24 MR. DeJESUS: I understand. Okay.

25 BY MR. DeJESUS:

1 Q Now was this the first one that was filed after  
2 you became in charge, sir, the one that's dated '93?

3 A I don't recall.

4 A Now I'd like to draw your attention to the  
5 management agreement, Enforcement Bureau No. 16 marked for  
6 identification.

7 (The document referred to was  
8 marked for identification as  
9 Enforcement Bureau's Exhibit  
10 No. 16.)

11 A No. 16?

12 Q Yes, sir. Can you describe what it is that you're  
13 looking at, sir?

14 A This represents the management agreement.

15 Q And how is it you recognize that management  
16 agreement, sir?

17 A I was involved in it initially when it was first  
18 entered into with suggestions for changes.

19 Q Okay. You testified earlier that you did  
20 participate in the negotiation of this management agreement?

21 A I believe I said that I reviewed it and made  
22 recommendations for changes and I don't recall whether I was  
23 specifically involved in the negotiations as it related  
24 directly to the management agreement.

25 Q Okay. Now this management agreement -- well,

1 first of all, can you describe what it was that the  
2 management agreement was supposed to accomplish?

3 A The management agreement was entered into with  
4 Metro Mobile to assist us in the construction and operation  
5 of New Mexico 3.

6 Q Okay. Now do you recall who drafted the  
7 management agreement?

8 A I do not recall --

9 Q Okay

10 A -- the actual drafter.

11 Q Okay. Now who would have been working -- who  
12 would have been representing Alee with reference to Metro  
13 Mobile in these negotiations?

14 A Who would our counsel --

15 Q Yeah

16 A -- have been at that time? This is November of  
17 '90 so it would have been Hopkins & Sutter, now Drinker  
18 Biddle & Reath.

19 Q Okay. And would you -- who on the Executive  
20 Committee who would have been the person working with the  
21 law firm?

22 A The person working with the law firm I don't  
23 recall specifically but probably would have been Bob  
24 Bernstein.

25 Q Okay. Now is this management agreement still in

1 effect?

2 A Yes, sir.

3 Q Okay. Now when Metro Mobil I believe -- let me  
4 strike that. With reference to Bell Atlantic, did Bell  
5 Atlantic take over the management agreement?

6 A When Bell Atlantic took over Metro Mobile we, in  
7 turn, authorized them to continue as our managers, yes.

8 Q And did you do likewise when Altell took over?

9 A Yes, sir.

10 Q Okay. So, in essence, this management agreement  
11 is carried from Metro Mobile to Altell without any change,  
12 correct?

13 A That is correct.

14 Q Okay. Now I'd like to draw your attention to  
15 Enforcement Bureau Exhibit No. 17.

16 (The document referred to was  
17 marked for identification as  
18 Enforcement Bureau's Exhibit  
19 No. 17.)

20 Do you recognize what that is, sir?

21 A Yes, sir.

22 Q And what is that?

23 A This represents one of the documents that is  
24 contained in the option that was granted to Metro Mobile.

25 Q And the date on that is November 19, 1990?

1 A Yes, sir.

2 Q On Exhibit 17, correct?

3 A Correct.

4 Q Okay. Now the date on the management agreement  
5 that date is also -- and I'll just read from the very top  
6 and if I misstate anything please correct me, "This  
7 agreement is made as of the 19th day of November 1990 by and  
8 between Metro Mobile, CTS of Southwest" and it goes on to  
9 say, "Alee Cellular Communications." Is that correct, sir?

10 A That's correct.

11 Q Now both of these two -- both the management  
12 agreement and the proposed construction management  
13 operations and equity participation in Cellular Systems  
14 rural statistical area are both dated the same date, isn't  
15 that true, sir?

16 A That is correct.

17 Q Okay. Now and executed by the same people on  
18 behalf of Alee and Metro Mobile?

19 A On behalf of Alee, yes, on behalf of Metro Mobile,  
20 it appears that there's a different signature.

21 Q Okay. Now can you tell us why the -- and I'm just  
22 going to go back to 17, sir. At the bottom of page one of  
23 Exhibit 17 it says, and I'll read the relevant portion --

24 JUDGE STEINBERG: Can't you just direct the  
25 witness' attention to the specific line and have the witness



1 and everybody else read it? I know it's already in the --  
2 it's going to be in the record so there's no sense in  
3 reading it.

4 BY MR. DeJESUS:

5 Q One, two, three, the third paragraph.

6 A Yes, sir? The entire third paragraph?

7 Q Yes.

8 (Pause)

9 A Yes, sir.

10 Q Okay. It essentially says that Metro Mobile is  
11 granted an option to receive an equity interest in Alee  
12 equal to five percent, is that correct, sir?

13 A That's what it says.

14 Q Okay. Now my question is why didn't the  
15 management agreement incorporate by reference or mention  
16 that equity agreement, that five percent equity agreement?

17 A I don't know specifically but I believe that the  
18 option was granted to Metro Mobile CTS, Inc., a separate  
19 entity, from Metro Mobile of the Southwest, Inc., who was  
20 managing the facility.

21 Q Are you aware of the --

22 (Multiple voices.)

23 A Looks like the subsidiary.

24 Q Are you aware of the fact that the FCC reviews  
25 management agreements?

1           A     No.

2           Q     Are you aware of the fact that the FCC sometimes -  
3     · let me *see* if I understand your response. Your response  
4     is that the five percent management, I'm sorry, the five  
5     percent equity interest was provided to whom, sir?

6           A     According to this agreement, sir, it is to -- let  
7     me read it again.

8                     JUDGE STEINBERG: Try paragraph one.

9                     THE WITNESS: Thank you. "Metro Mobile CTS, Inc."

10                    BY MR. DeJESUS:

11           Q     Okay. And that's the same entity that appears in  
12     the management agreement, correct?

13           A     No. It's a separate entity.

14           Q     So why would you be giving a five percent option  
15     to a separate entity other than --

16           A     I believe that the management agreement was a  
17     subsidiary or an affiliate of Metro Mobile CTS, Inc. for the  
18     management of ~~that~~ territory.

19           Q     Okay. And the five percent equity interest you're  
20     saying would go to CTS?

21           A     CTS, Inc., which I believe is the parent company.

22           Q     Okay.

23                     JUDGE STEINBERG: *Exhibit 17, page one, paragraph*  
24     *three, refers to "The execution of the management agreement*  
25     *between CTS' subsidiary, Metro Mobile, CTS of the Southwest,*

1 Inc."

2 MR. DeJESUS: This one I'd like to move Exhibit  
3 No. 16 and 17 into evidence.

4 JUDGE STEINBERG: Any objections?

5 MR. HILL: No objections.

6 JUDGE STEINBERG: Mr. Evans? Mr. Evans, any  
7 objections to 16 and 17?

8 MR. EVANS: No, Your Honor.

9 JUDGE STEINBERG: Okay. Enforcement Bureau  
10 Exhibits 16 and 17 are received.

11 (The documents referred to,  
12 previously identified as  
13 Enforcement Bureau's Exhibit  
14 No's. 16 and 17, were received  
15 into evidence.)

16 MR. DeJESUS: And also, Your Honor, while I'm at  
17 it I'd like to move in Exhibit No. 14.

18 JUDGE STEINBERG: Any objections?

19 MR. HILL: No.

20 JUDGE STEINBERG Mr. Evans?

21 MR. EVANS: No.

22 JUDGE STEINBERG Exhibit No. 14 of the  
23 Enforcement Bureau's rece ved.

24 (The document referred to,  
25 previously identified as

1 Enforcement Bureau's Exhibit  
2 No. 14, was received into  
3 evidence.)

4 MR. HILL: I assume those findings will be made on  
5 the certificate of service.

6 JUDGE STEINBERG: I can't promise that.

7 MR. HILL: All right.

8 JUDGE STEINBERG: Because I'm not writing them.  
9 You're talking about proposed findings?

10 MR. HILL: Yes.

11 MR. DeJESUS: Your Honor, I just have a few more  
12 questions and I'll be finished.

13 MR. HILL: Your Honor, if that's -- I've got our  
14 next witness back at our office.

15 MR. EVANS: I would say we're certainly going to  
16 go through lunch.

17 MR. HILL: Okay.

18 JUDGE STEINBERG: Through lunch or to lunch?

19 MR. EVANS: At least to lunch.

20 JUDGE STEINBERG: Okay. We'll let Mr. DeJesus  
21 finish up and then we'll take a morning break.

22 BY MR. DeJESUS:

23 Q Yesterday, Mr. Jones, I believe I asked you what  
24 documents you had reviewed during your preparation and you  
25 indicated that you had occasion to review the Algereq case,

1 some documentation with --

2 A Some of that documentation. I don't know if it's  
3 specifically everything but some of that.

4 Q Okay.

5 A And the documents that are presented before me  
6 today.

7 Q Now in the findings of the Algereq case the  
8 Commission questioned -- the Commission basically said that  
9 Alee had failed to disclose facts involving Sharifan and  
10 they went on to question the dubious testimony of Mr.  
11 Bernstein.

12 A Mm-hmm.

13 Q Now I believe that in your statement you talk  
14 about your lines on Mr. Bernstein and the fact that Mr.  
15 Bernstein has worked with you in --

16 A Yes, sir.

17 Q Now based on the FCC's findings that Mr.  
18 Bernstein's testimony was less than candid and dubious does  
19 that change your opinion of Mr. Bernstein?

20 A No, sir, it does not.

21 Q And why not?

22 A I've known Mr. Bernstein for approximately 12  
23 years now and I hold him in high regard.

24 Q Now let me ask you something else. You don't hold  
25 Mr. Allan Kane in high regard, is it safe to make that

1 assumption?

2 A That's a very safe statement let alone assumption.

3 Q Okay. Now at the time that the filing concerning  
4 Mr. Sharifan was submitted to the Commission it was  
5 submitted by Mr. Bernstein, isn't that right?

6 A That is correct.

7 Q And it's also safe --

8 MR. HILL: If we could clarify which filing we're  
9 talking about?

10 MR. DeJESUS: The filing concerning whether they  
11 were United States citizens or not.

12 THE WITNESS: Is there a document that I can look  
13 at. sir?

14 BY MR. DeJESUS:

15 Q There's an amendment and **we** don't have it  
16 available.

17 MR. HILL: Can we stipulate that this *is* the 1989  
18 amendment referenced in the Algereq decision?

19 MR. DeJESUS: Correct. We will stipulate to that.

20 MR. HILL: Okay.

21 MR. EVANS: I'm sorry. I thought the disclosure  
22 was made in --

23 MR. HILL: He's talking about the amendment that  
24 I'm assuming that Mr. Bernstein signed.

25 MR. HILL: The one that disclosed Sharifan?

THE WITNESS: That disclosure would have been I  
2 think in April.

3 MR. EVANS: In April of --

4 MR. DeJESUS: No. I'm talking about the one that  
5 basically asserted that everyone was a United States  
6 citizen.

7 MR. EVANS: Yes. That's the -- we stipulated that  
8 it was the 1989 amendment referenced in the Algereq  
9 decision.

10 JUDGE STEINBERG: So the 1989 amendment referenced  
11 in the Algereq decision said everyone was a United States  
12 citizen?

13 MR. HILL: That's correct.

14 JUDGE STEINBERG: And that's the one we're talking  
15 about?

16 MR. DeJESUS: Yes, Your Honor.

17 BY MR. DeJESUS:

18 Q Now in that particular amendment Mr. Bernstein  
19 indicated that everyone was a United States citizen?

20 A Mr. Bernstein signed that document --

21 Q Right.

22 A -- that's correct.

23 Q okay. And, therefore, everything in that document  
24 as far as submitted by Mr. Bernstein was attested to be  
25 true, correct?

1           A     He believed that to be correct, true.

2                   JUDGE STEINBERG: Your understanding is --

3                   THE WITNESS: My understanding is he believed it  
4     to be correct.

5                   BY MR. DeJESUS:

6           Q     Now it's also true that Mr. Bernstein was related  
7     to Mr. Allan Kane by virtue of the fact that Mr. Allan  
8     Kane's daughter was married to Mr. Bernstein?

9           A     At that time that is correct.

10          Q     Okay. Now, again, I just draw your attention to  
11     the Commission's finding that on Mr. Bernstein's testimony  
12     was less than candid and dubious. My question again is none  
13     of what transpired in reference to this testimony has  
14     changed your opinion of Mr. Bernstein, is that true?

15          A     I would have to say that is correct. I think that  
16     Mr. Bernstein is a truthful person.

17                   MR. DeJESUS: Your Honor, at this point the  
18     Enforcement Bureau has no further questions.

19                   JUDGE STEINBERG: Okay.

20                   Let's take a break and we'll come back in 10  
21     minutes or do you want to take a longer break and come back  
22     at -- why don't we come back at 10:50? Is that okay? Does  
23     **that** give Mr. Evans enough time to prepare?

24                   MR. EVANS: Yes, Your Honor.

25                   JUDGE STEINBERG: Let the record reflect humor.



1       Okay.   So we'll go off the record now.

2                   (Off the record at 10:35 a.m.)

3                   (On the record at 10:50 a.m.)

4               JUDGE STEINBERG:  On the record, please

5                               REDIRECT EXAMINATION

6               BY MR. EVANS:

7               Q       Good morning, Mr. Jones.  I'm Donald Evans.  I  
8       don't know if you remember me from your deposition.

9               A       Yes, sir, I do.

10              Q       I'd like to begin by just finishing a clean up  
11     matter for the Bureau.  There was a document that Mr  
12     DeJesus had initially identified as Enforcement Bureau  
13     Exhibit 27 but there was a problem with the pagination.  
14     That problem has now been corrected and I'd like to now  
15     identify for the record what is Enforcement Bureau Exhibit  
16     27.  I think we should go ahead and continue to call it  
17     Enforcement Bureau 27.  It's a 32 page document that begins  
18     or that is entitled "Request for Stay" and it includes a  
19     number of attachments including an application for review.

20              JUDGE STEINBERG:  Okay.  Mr. DeJesus, you don't  
21     have any problem calling this Enforcement Bureau 27, do you?

22              MR. DeJESUS:  No, Your Honor.

23              JUDGE STEINBERG:  Okay.  Okay.  The document  
24     described will be marked for identification as Enforcement  
25     Bureau Exhibit 27.